

REMARKS

Claims 1-3 and 28-33 remain before the Examiner for reconsideration. New claim 34 has been added for consideration.

In the Office Action dated May 5, 2005, the Examiner rejected claims 28-31 under 35 U.S.C. 112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." Specifically, the Examiner asserted that:

The claims fail to provide reagent(s) and/or reaction conditions to make the claimed products. The term "under conditions suitable to effect macrolactonization" is vague and indefinite since it does not specifically show any reaction conditions and/or reagents for the macrolactonization process. It is unclear that what condition is suitable or unsuitable for the claimed process.

Claims 32-33 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Applicants respectfully traverse the Examiner's rejection.

The definiteness of claim language must not be analyzed in a vacuum but as interpreted by one skilled in the art. As known to those skilled in the art, macrolactonization reactions are intramolecular esterifications of an acid with an alcohol to make a large ring. Conditions for macrolactonization reactions, which are set forth in the specification (see, for example, Figure 11 and associated text), are also well known to those skilled in the art and are readily found in a number of reviews. See, for example, Boeckman, R. K., Jr; Goldstein, S. W. *The Total Synthesis of Macrocyclic Lactones. The Total Synthesis of Natural Products*; ApSimon, J., ed. Wiley: New York, 1988; pp 1-139 and Meng, Q.; Hesse, M., *Ring Closure Methods in the Synthesis of Macrocyclic Natural Products. Top. Curr. Chem.* 1991, 161, 107. If the Examiner would like a copy of such references, Applicants will provide such a copy. Applicants respectfully assert that, as interpreted by one skilled in the art, the claims fully comply with the requirements of Section 112.

Applicants also acknowledge that the Examiner has indicated that "Claims 1-3 are allowable since the claimed compounds are distinct from the prior art dictyostatin-1 (a natural product)."

In view of the above amendments and remarks, the Applicants respectfully requests that the Examiner, indicate the allowability of the claims, and arrange for an official Notice of Allowance to be issued in due course.

Respectfully submitted,

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